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8 Benedicto Gutierrez, Veronica Avila,  
Albert Castellan and Vanessa Nicholson*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ISAAC LEWIS,  
Plaintiff,  
v.  
B. GUTIERREZ, et al.,  
Defendant

Case No. 3:22-cv-00010-CLB

**ORDER GRANTING  
DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO FILE  
DISPOSITIVE MOTION  
(First Request)**

Defendants Benedicto Gutierrez, Veronica Avila, Albert Castellan, Vanessa Nicholson, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Victoria C. Corey, Deputy Attorney General, move this Court for an extension of time to file dispositive motions. (First Request).

## **MEMORANDUM OF POINTS AND AUTHORITIES**

## L. FACTUAL ANALYSIS

This is a *pro se* prisoner civil rights action brought by Isaac Lewis (Lewis), asserting claims arising under 42 U.S.C. § 1983. After mandatory screening, the Court permitted a single Eighth Amendment deliberate indifference to a serious medical needs claim to proceed against Defendants Benedicto Gutierrez, Veronica Avila, Albert Castellan, and Vanessa Nicholson pertaining to his allegations regarding his dental

1 needs and issues. ECF No. 3 at 8.<sup>1</sup>

2 On February 27, 2023, this Court issued a Scheduling Order, stating that the  
 3 deadline to file dispositive motions was October 25, 2023. ECF No. 33. On August 11,  
 4 2023, Plaintiff filed, and Defendants did not oppose, a motion for extension of time to  
 5 extend discovery. ECF Nos. 46 and 47. On August 25, 2023, this Court permitted an  
 6 extension of discovery, indicating that the new deadline to file a dispositive motion is  
 7 April 24, 2024. ECF No. 48. After engaging in amble discovery with Plaintiff,  
 8 Defendants have begun to draft their dispositive motion.

9 However, Counsel is preparing for a wrongful death jury trial scheduled to begin  
 10 April 29, 2024, in Case No. 3:20-cv-00190-ART-CLB, *Burton v. Fonseca, et al*, which is  
 11 expected to last five (5) judicial days, if not more. Due to the trial and preparation for  
 12 the trial, along with keeping up on deadlines and hearings for the roughly sixty-four  
 13 other cases counsel is responsible for and other numerous daily administrative duties,  
 14 Counsel will not be able to properly prepare the necessary dispositive motion by the  
 15 current deadline. Therefore, Counsel respectfully requests an additional 45 days to file  
 16 the dispositive motion, with a new deadline of **Monday, June 8, 2024**.

## 17 II. LEGAL ANALYSIS

18 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides  
 19 as follows:

20 When an act may or must be done within a specified time, the  
 21 court may, for good cause, extend the time: (A) with or  
 22 without motion or notice if the court acts, or if a request is  
 23 made, before the original time or its extension expires; or (B)  
 24 on motion made after the time has expired if the party failed  
 25 to act because of excusable neglect.

26 Further, the Local Rules of Practice require a showing of good cause for a  
 27 request made within 21 days of the subject deadline. LR 26-3.

28 Although, this Court noted in the August 25, 2023, extension that “[n]o further

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27 <sup>1</sup> Throughout the course of litigation, Plaintiff was permitted to add Veronica  
 28 Avila, Albert Castellan, and Vanessa Nicholson as Defendants in this matter. ECF  
 Nos. 33 and 56.

1 extensions of time will be granted" good cause exists to grant the requested extension  
2 of time, which is filed within 21 days of the subject deadline. ECF No. 48 at 1:24.  
3 Extraordinary circumstances exist for the extension based on the upcoming trial noted  
4 in paragraph I *supra*. This is Defendants first request to extend any deadline  
5 established in the August 25, 2023, scheduling order. The requested extension of time  
6 would grant the Defendants sufficient time to gather the required declarations and  
7 thoroughly prepare the motion. Defendants' request for a brief extension of time will  
8 not hinder or prejudice Plaintiff's case as a well briefed motion for summary judgment  
9 will help the parties narrow the scope of the issues to be determined at trial.  
10 Therefore, a short 45-day extension is requested.

11 **III. CONCLUSION**

12 Defendants assert that the requisite good cause and extraordinary  
13 circumstances are present to warrant the requested extension of time. Therefore,  
14 Defendants respectfully request a 45-day extension to file their dispositive motion,  
15 which if granted, would be due on **Monday, June 8, 2024**.

16 DATED this 17th day of April, 2024.

17 AARON D. FORD  
18 Attorney General

19 By: /s/ Victoria C. Corey  
20 VICTORIA C. COREY, Bar No. 16364  
Deputy Attorney General

21 *Attorneys for Defendants*

22 **IT IS SO ORDERED.**

23 DATED: April 18, 2024.

24  
25  
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27  
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UNITED STATES MAGISTRATE JUDGE

## CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on April 17, 2024, I electronically filed the foregoing **DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTION (First Request)** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

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*Plaintiff, Pro Se*

/s/ Karen A. Easton  
KAREN A. EASTON, an employee of the  
Office of the Nevada Attorney General